

Fred W. Schwinn (SBN 225575)
CONSUMER LAW CENTER, INC.
12 South First Street, Suite 1014
San Jose, California 95113-2418
Telephone Number: (408) 294-6100
Facsimile Number: (408) 294-6190
Email Address: fred.schwinn@sjconsumerlaw.com

Attorney for Plaintiff
CARLOS H. PEREZ

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

CARLOS H. PEREZ,

Plaintiff,

v.

GMAC MORTGAGE USA
CORPORATION, A/K/A GMAC
MORTGAGE, LLC, a Delaware
corporation; MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC., a
Delaware corporation; EXECUTIVE
TRUSTEE SERVICES, LLC, a Delaware
limited liability company; GREENPOINT
MORTGAGE FUNDING, INC., a New
York corporation; ANDRUS &
ASSOCIATES, INC., a California
corporation; PAUL RAY ANDRUS,
individually and in his official capacity;
HOMECOMINGS FINANCIAL, LLC, a
Delaware limited liability company;
COUNTRYWIDE HOME LOANS, INC., a
New York corporation; SOUTH PACIFIC
FINANCIAL CORPORATION, a
California corporation; RESIDENTIAL
MORTGAGE CAPITAL, D/B/A FIRST
SECURITY LOAN; a California
corporation; JAMES JOHN CHAPMAN,
individually and in his official capacity;
LUIS G. BARRIOS, individually and in his
official capacity; ELIZABETH P.
CAMPOS, individually and in her official

Case No. C08-01972-JW-HRL

**SUGGESTION OF BANKRUPTCY
AND NOTICE OF STAY**

[11 U.S.C. § 362(a)]

1 capacity; and DOES 1 through 20,
2 inclusive,

3 Defendants.

4 It is suggested of record that Defendant, PAUL RAY ANDRUS, filed a petition in the United
5 States Bankruptcy Court for the Northern District of California, Oakland Division, on August 18, 2008,
6 which acts as an automatic stay of all proceedings in this Court.

7 A copy of the Notice of Chapter 7 Bankruptcy Case is attached for the Court's convenience.
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10 Dated: July 28, 2008

CONSUMER LAW CENTER, INC.

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12 By: /s/ Fred W. Schwinn

13 Fred W. Schwinn, Esq.
14 Attorney for Plaintiff
15 Carlos H. Perez
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FORM B9A (Chapter 7 Individual or Joint Debtor No Asset Case) (12/07)

Case Number 08-44455 LT 7

UNITED STATES BANKRUPTCY COURT
Northern District of California (Oakland)

Notice of Chapter 7 Bankruptcy Case, Meeting of Creditors, & Deadlines

A chapter 7 bankruptcy case concerning the debtor(s) listed below was filed on 8/18/08.

You may be a creditor of the debtor. **This notice lists important deadlines.** You may want to consult an attorney to protect your rights. All documents filed in the case may be inspected at the bankruptcy clerk's office at the address listed below. NOTE: The staff of the bankruptcy clerk's office cannot give legal advice.

See Reverse Side For Important Explanations

Debtor(s) (name(s) used by the debtor(s) in the last 8 years, including married, maiden, trade, and address):

Paul R. Andrus
aka Andrus and Associates, Inc., dba
FremontLoan.com
38669 Spetti Court
Fremont, CA 94536

Case Number:
08-44455

Social Security/Taxpayer ID/Employer ID/Other Nos.:
xxx-xx-5616

Attorney for Debtor(s) (name and address):

David M. Sternberg
Sternberg and Coad-Hermelin
540 Lennon Ln.
Walnut Creek, CA 94598
Telephone number: (925)946-1400

Bankruptcy Trustee (name and address):

Paul Mansdorf
1563 Solano Ave. #703
Berkeley, CA 94707
Telephone number: (510)526-5993

Meeting of Creditors

Date: **September 24, 2008**

Time: **09:30 AM**

Location: **Office of the U.S. Trustee, 1301 Clay St. Room 680N, Oakland, CA 94612**

Important Notice to Individual Debtors: The United States Trustee requires all debtors who are individuals to provide government-issued photo identification and proof of social security number to the trustee at the meeting of creditors.

Presumption of Abuse under 11 U.S.C. § 707(b)

See "Presumption of Abuse" on reverse side.

The presumption of abuse does not arise.

Deadlines:

Papers must be *received* by the bankruptcy clerk's office by the following deadlines:

Deadline to File a Complaint Objecting to Discharge of the Debtor or to Determine Dischargeability of Certain Debts: 11/24/08

Deadline to Object to Exemptions:

Thirty (30) days after the *conclusion* of the meeting of creditors.

Creditors May Not Take Certain Actions:

In most instances, the filing of the bankruptcy case automatically stays certain collection and other actions against the debtor and the debtor's property. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although the debtor can request the court to extend or impose a stay. If you attempt to collect a debt or take other action in violation of the Bankruptcy Code, you may be penalized. Consult a lawyer to determine your rights in this case.

Please Do Not File a Proof of Claim Unless You Receive a Notice To Do So.

Creditor with a Foreign Address:

A creditor to whom this notice is sent at a foreign address should read the information under "Do Not File a Proof of Claim at This Time" on the reverse side.

Address of the Bankruptcy Clerk's Office:

1300 Clay Street #300 (94612)
Post Office Box 2070
Oakland, CA 94604-2070
Telephone number: 510-879-3600

For the Court:

Clerk of the Bankruptcy Court:
Gloria L. Franklin

Hours Open: Monday – Friday 9:00 AM – 4:30 PM

Date: 8/19/08

EXPLANATIONS

FORM B9A (12/07)

Filing of Chapter 7 Bankruptcy Case	A bankruptcy case under Chapter 7 of the Bankruptcy Code (title 11, United States Code) has been filed in this court by or against the debtor(s) listed on the front side, and an order for relief has been entered.
Legal Advice	The staff of the bankruptcy clerk's office cannot give legal advice. Consult a lawyer to determine your rights in this case.
Creditors Generally May Not Take Certain Actions	Prohibited collection actions are listed in Bankruptcy Code §362. Common examples of prohibited actions include contacting the debtor by telephone, mail or otherwise to demand repayment; taking actions to collect money or obtain property from the debtor; repossessing the debtor's property; starting or continuing lawsuits or foreclosures; and garnishing or deducting from the debtor's wages. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although the debtor can request the court to extend or impose a stay.
Presumption of Abuse	If the presumption of abuse arises, creditors may have the right to file a motion to dismiss the case under § 707(b) of the Bankruptcy Code. The debtor may rebut the presumption by showing special circumstances.
Meeting of Creditors	A meeting of creditors is scheduled for the date, time and location listed on the front side. <i>The debtor (both spouses in a joint case) must be present at the meeting to be questioned under oath by the trustee and by creditors.</i> Creditors are welcome to attend, but are not required to do so. The meeting may be continued and concluded at a later date without further notice.
Do Not File a Proof of Claim at This Time	There does not appear to be any property available to the trustee to pay creditors. <i>You therefore should not file a proof of claim at this time.</i> If it later appears that assets are available to pay creditors, you will be sent another notice telling you that you may file a proof of claim, and telling you the deadline for filing your proof of claim. If this notice is mailed to a creditor at a foreign address, the creditor may file a motion requesting the court to extend the deadline.
Discharge of Debts	The debtor is seeking a discharge of most debts, which may include your debt. A discharge means that you may never try to collect the debt from the debtor. If you believe that the debtor is not entitled to receive a discharge under Bankruptcy Code §727(a) <i>or</i> that a debt owed to you is not dischargeable under Bankruptcy Code §523(a)(2), (4), or (6), you must start a lawsuit by filing a complaint in the bankruptcy clerk's office by the "Deadline to File a Complaint Objecting to Discharge of the Debtor or to Determine Dischargeability of Certain Debts" listed on the front side. The bankruptcy clerk's office must receive the complaint and any required filing fee by that Deadline.
Exempt Property	The debtor is permitted by law to keep certain property as exempt. Exempt property will not be sold and distributed to creditors. The debtor must file a list of all property claimed as exempt. You may inspect that list at the bankruptcy clerk's office. If you believe that an exemption claimed by the debtor is not authorized by law, you may file an objection to that exemption. The bankruptcy clerk's office must receive the objections by the "Deadline to Object to Exemptions" listed on the front side.
Bankruptcy Clerk's Office	Any paper that you file in this bankruptcy case should be filed at the bankruptcy clerk's office at the address listed on the front side. You may inspect all papers filed, including the list of the debtor's property and debts and the list of the property claimed as exempt, at the bankruptcy clerk's office.
Creditor with a Foreign Address	Consult a lawyer familiar with United States bankruptcy law if you have any questions regarding your rights in this case.
— Refer to Other Side for Important Deadlines and Notices —	